

ORIGINAL
INTERVENTION



BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

2006 OCT 24 P 4: 47

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

OCT 24 2006

DOCKETED BY

nr

IN THE MATTER OF THE
APPLICATION OF CAVE CREEK
WATER COMPANY FOR AN
EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NO. W-01452A-06-0449

APPLICATION OF TOWN OF CAVE CREEK FOR LEAVE TO
INTERVENE

I.

Pursuant to Rule R14-3-105 of the Arizona Corporation Commission ("Commission"), Rules of Practice and Procedure, the Town of Cave Creek (the "Town") moves the Commission for an order granting leave to intervene in the above-captioned proceeding.

II.

The Town has an interest in the proceeding because the Town expects to acquire and take possession of the Cave Creek Water Company utility through a condemnation case filed on April 6, 2005 in Maricopa County Superior Court, Cause No. CV2005-005882. The case is currently pending and in the discovery phase. While this case is proceeding, the Town wishes to be fully informed and to protect its interests with regard to issues raised at the hearing that would affect its interests.

III.

The Town has objections to the extension of the Water Company's Certificate of Convenience and Necessity ("CC&N") to state land and to any property for which requests for service have not been made by the property owners. There is no current need for water service in the state land areas or in the areas for which requests for service have not been

1 made. State Land Department has not requested service from the Water Company and has
2 no plans to make such a request. The only purpose to be served by the premature extension
3 of the Water Company's CC&N to these areas would be the potential for enhancement of
4 the Water Company's claims for "just compensation" in the pending eminent domain
5 action by the Town. Upon acquisition of the Water Company's utility in the pending
6 action, the Town will plan for and provide any extensions of water service that may be
7 needed. The Town should not be bound by the Water Company's plans or construction of
8 facilities to serve development that will not actually occur within the next two years. Any
9 extension of the CC&N should only be for water service that is needed in an area within the
10 next two years.


11 IV.

12 The Town requests that all communications in connection with the above-captioned
13 proceedings be directed to:

14 Marvin S. Cohen, Esq.
15 Stephen J. Anthony, Esq.
16 Sacks Tierney P.A.
17 4250 North Drinkwater Boulevard, Fourth Floor
18 Scottsdale, Arizona 85251-3647
19 Telephone: (480) 425-2633
20 Facsimile: (480) 425-4933
21 E-mail: marvin.cohen@sackstierney.com
22 E-mail: stephen.anthony@sackstierney.com

23 RESPECTFULLY SUBMITTED this 24th day of October, 2006.

24 SACKS TIERNEY P.A.

25 By 
26 Marvin S. Cohen
27 Stephen J. Anthony
28 Attorneys for Town of Cave Creek

1 ORIGINAL AND 13 COPIES OF THE FOREGOING
2 FILED this 24th day of October, 2006, with:

3 Arizona Corporation Commission
4 Docket Control Center
1200 West Washington
Phoenix, Arizona 85007

5 COPY OF THE FOREGOING
6 MAILED this 24th day of October, 2006, to:

7 Lyn A. Farmer, Esq.
8 Chief Administrative Law Judge
Hearing Division
9 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

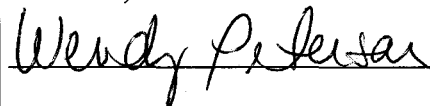
10 Yvette B. Kinsey
11 Administrative Law Judge
Hearing Division
12 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

13 Michael W. Patten
14 ROSHKA DEWULF & PATTEN
15 One Arizona Center
400 East van Buren Street
Suite 800
16 Phoenix, AZ 85004
17 Attorneys for Cave Creek Water Company

18 Graham S. Symmonds
19 Global Water, Inc./
CAVE CREEK WATER COMPANY
2141 North 19th Avenue
Suite 201
20 Phoenix, AZ 85027

21 Ernest Johnson, Director
22 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
23 Phoenix, AZ 85007

24 Christopher Kempley, Chief Counsel
25 Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
26 Phoenix, AZ 85007

27 
28 _____